

taking allowable under these regulations.

(b) A notice of issuance or denial of a renewal of a Letter of Authorization will be published in the FEDERAL REGISTER within 30 days of a determination.

**§216.158 Modifications to the Letter of Authorization.**

(a) Except as provided in paragraph (b) of this section, no substantive modification, including withdrawal or suspension, to the Letter of Authorization issued pursuant to §216.106 and subject to the provisions of this subpart shall be made until after notice and an opportunity for public comment.

(b) If the Assistant Administrator determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in §216.151(b), the Letter of Authorization issued pursuant to §216.106 may be substantively modified without prior notice and an opportunity for public comment. Notification will be published in the FEDERAL REGISTER subsequent to the action.

**Subparts O–P [Reserved]**

**Subpart Q—Taking of Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) Sonar**

SOURCE: 67 FR 46785, July 16, 2002, unless otherwise noted.

EFFECTIVE DATE NOTE: At 67 FR 46785, July 16, 2002, subpart Q, consisting of §§216.180 through 216.191 were added, effective Aug. 15, 2002, through Aug. 15, 2007.

**§216.180 Specified activity and specified geographical region.**

Regulations in this subpart apply only to the incidental taking of those marine mammal species specified in paragraph (b) of this section by the U.S. Navy, Department of Defense, while engaged in the operation of no more than two SURTASS LFA sonar systems conducting active sonar oper-

ations, in areas specified in paragraph (a) of this section. The authorized activities, as specified in a Letter of Authorization issued under §§216.106 and 216.188, include the transmission of low frequency sounds from the SURTASS LFA sonar and the transmission of high frequency sounds from the mitigation sonar described in §216.185 during training, testing, and routine military operations of SURTASS LFA sonar.

(a) With the exception of those areas specified in §216.183(d), the incidental taking by harassment may be authorized in the following areas as specified in a Letter of Authorization:

- (1) Atlantic Polar Biome:
  - (i) Boreal Polar Province (1/BPLR)(i.e., LFA sonar 180-dB exclusion zone);
  - (ii) Atlantic Arctic Province (2/ARCT);
  - (iii) Atlantic Subarctic Province (3/SARC);
- (2) North Atlantic Coastal Biome:
  - (i) Northeast Atlantic Shelves Province (11/NECS),
    - (A) North/Irish Sea Subprovince,
    - (B) English Channel Subprovince,
    - (C) Southern Outer Shelf Subprovince,
    - (D) Northern Outer Shelf Subprovince, and
    - (E) Baltic Subprovince; and
  - (ii) Northwest Atlantic Shelves Province (15/NWCS),
    - (A) Newfoundland/Nova Scotia Shelf Subprovince,
    - (B) Gulf of St. Lawrence Coastal Subprovince,
    - (C) Gulf of Maine/Bay of Fundy Coastal Subprovince,
    - (D) Georges Bank/New York Bight Coastal Subprovince,
    - (E) Middle Atlantic Bight Coastal Subprovince,
    - (F) South Atlantic Bight Coastal Subprovince;
- (3) South Atlantic Coastal Biome:
  - (i) Benguela Current Coastal Province (22/BENG);
  - (ii) Brazil Current Coastal Province (20/BRAZ);
  - (iii) Eastern (Canary) Coastal Province (12/CNRY);
  - (iv) Southwest Atlantic Shelves Province (21/FKLD);
  - (v) Guianas Coastal Province (14/GUIA);